

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

Crl.MC.No. 2664 of 2001(C)

CC.293/2000 OF CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM.

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PETITIONER/2ND ACUSED:

**D. RAVEENDAN, PERIYA VEEDU,
THAMARAKKULAM, KOLLAM-3.**

BY ADV. SRI.V.G.ARUN.

RESPONDENTS/COMPLAINANT AND STATE:

- 1. M/S. MUTHOOT LEASING AND FINANCE LTD,
31/1388-A, 2ND FLOOR, PREETHI BUILDINGS,
VYTTILA, COCHIN-19, REPRESENTED BY ITS
POWER OF ATTORNEY HOLDER, A. SREEDHAAN PILLAI,
THOTTATHIL VEEDU, KAVANAD, KOLLAM.**
- 2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

ORDER ON CRL.M.P. NO. 2297/2001 IN CRL.M.C. 2664/2001

DISMISSED

14/09/2007.

SD/- K.R.UDAYABHANU, JUDGE.

//TRUE COPY//

prv.

K.R.UDAYABHANU, J

Crl.M.C.No.2664 of 2001

Dated this the 14th day of September, 2007

O R D E R

The petitioner is the second accused in C.C.No.293/07 in the court of Chief Judicial Magistrate, Kollam with respect to the offence under Section 138 of the Negotiable Instruments Act.

2. It is submitted that the petitioner was not the Managing Director of the first accused company at the time when the cheque was issued. He has produced Annexure I copy of the Form No.32 vide Section 303(2) of the Companies Act and it shows that he had resigned on 2.8.1996. It is also evident that the liquidation proceedings has already been initiated by the order of this court which can be found from Annexure IV which is the letter of the liquidator in this regard addressed to one of the directors of the company. He has also produced the order in the connected case i.e., order in C.C.No.336/97 vide Crl.M.C. 2658/07 dated 24.3.2003 which is based on the fact that the winding up proceedings has already commenced and that the option of the complainant is limited to the remedies available as

per the Companies Act.

3. Although served there is no representation for the respondent. In the circumstances and in view of the fact that the winding up proceedings are pending, the proceedings in C.C.No.293/07 in the court of CJM, Kollam shall stand quashed.

The Crl.M.C. is allowed.

**K.R.UDAYABHANU,
JUDGE**

csl